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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/820,457
Filing Date: March 28, 2001
Appellant(s): BORG ET AL.

Scott Lund
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 30, 2010 appealing from the Office action mailed March 31, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application: 1-9, 16-19, 26 and 27.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(1) Claims 27, 26, 16-19 and 1-9 are rejected under 35 U.S.C. 103(a) as obvious over (1) HAYWARD et al (US 6,985,877) in view of (2) CREMON et al or vice versa and (3) YOKOMORI et al.

(2) Claims 16-19, 1-9, 26 and 27 are rejected (2nd time) under 35 U.S.C. 103(a) as obvious over HARDMAN ET AL in view of (CREMON et al and YOKOMORI et al) or vice versa.

Note that on pages 3 and 10 of the Final Rejection of 3/31/2010, the phrase "Claims …1-8" was a typographical error and should be "1-9" as dependent claim 9 was rejected twice on page 10 and 15 of the Final Rejection of 3/31/2010.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,029,031	YOKOMORI ET AL.	2-2000
6,985,877	HAYWARD ET AL.	1-2006
2002/0191998	CREMON ET AL.	12-2002
2002/0075145	HARDMAN ET AL.	6-2002

60/221,562	CREMON ET AL.	7-2000
60/223,941	CREMON ET AL.	8-2000
60/220,896	HARDMAN ET AL.	7-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 27, 26, 16-19 and 1-9 are rejected (1st time) under 35 U.S.C. 103(a) as obvious over (1) HAYWARD et al (US 6,985,877) in view of (2) CREMON et al or vice versa and (3) YOKOMORI et al.

As for independent method claim 27, similarly, in a printing system with operation monitoring system, **HAYWARD et al** discloses the monitoring (communication) steps comprising:

b) compiling data by retrieving data (communicating/**interrogating**) from an integrated components including a replaceable component (cartridge, ink, ribbon) and others (sensor, processor, etc) from a printing device, the data comprising one or more of identification information (or usage information of the printing device);

{see Fig. 8, elements (8) which includes a sensor (12) and replaceable component (8), (34), (38), (36), (50), col. 9, lines 10-20 "*...may regularly or intermittently **interrogate** the consumable component for information*...", lines 43-55, col. 7, lines 3-65, col. 8, lines 5-67 "*...monitor module .... to track how many pages have been printed an/or how much ink has been expended ....*"},

c) storing the data in a database;

{see Fig. 8, server/database 40, element 8, 50, 36, 34 and 38, col. 9, lines 10-25,

d1) associating the data with a customer;

{see col. 9, lines 24-27, col. 7, lines 60-67, col. 8, lines 5-52}.

d2) accessing the data in the database, wherein the accessed data is used for interrogation of the condition of the replaceable component (consumable component 11).

{see Fig. 8, server/database 40, element 8, 50, 36, 34 and 38, col. 9, lines 10-27, "*…may regularly or intermittently interrogate the consumable component 11 for information … then process and communicate such information to the server 40*...", col. 7, lines 60-67, col. 8, lines 5-52}, and

e) assisting a specific customer with resolving a problem with a particular printing device using printing device data within the customer database.

{see Fig. 3, "***Service Name***", "***On-line Help***", Fig. 4, "System Setting", "Maintenance", cols. 6-7, "*maintenance …**diagnostic routines**… **diagnostic module**… **help information**…", Fig. 8, col. 8}

Note: in view of the general teaching of "accessing the manufacturer's server 40 for information or services", as cited on col. 6, lines 35-57 and col. 7, lines 60-67, it would have been obvious to include this "accessing the database/server" in col. 7, lines 20-57, in order to obtain/view information (interrogation the condition of replaceable component (consumable component 11) or perform services such as initiating an electronic ordering for a replacement of the consumable component ordering as indicated above.

Therefore, HAYWARD et al fairly teaches the claimed invention except for step (a) and wherein the data is retrieved from the memory component of the integrated

components in step (b). In other word, the integrated components include a memory component besides the replaceable component and others wherein the data is retrieved from.

CREMON et al is cited to teach the use of memory component (or tag or ID tag) integrated with a printer replaceable component such as toner cartridge, ink, ribbon, etc. to store various kinds of information or data (i.e. product information, control data from reading other equipment) about the replaceable component (or related to the printing device such as the cartridge or ink ribbon or the printer) and to communicate with other devices such as external computer or processor of the printer and receive data from them with respect to system status or performance history of the replaceable component and wherein the RFID tag is removable and recyclable {see pars. [0045-0046, 0061 "*RFID chip …. is removable and recyclable*]}. The reading of other data such as identification and usage information of the printing device would have been obvious as mere reading other similar or desired data in view of the teachings of "product information and control data from reading other equipments as taught above".

See support for this teaching on **Provisional Application 60/221,562**, filed July 28, 2000, Figs. 2, 3, page 3, lines 15-35:

"RFID labels may be placed in the media supply and/or printer ribbon rolls, where the RFID tag is read…RFID configuration data is extracted and transferred utilizing protocol translation electronics and software..."

See also support for this teaching on **Provisional Application 60/233,941**, filed Aug. 9, 2000, page 1, lines 28-42 and page 2, lines 1-12:

"RF tags … to be read, and the data stored therein captured and uploaded for ....RFID tags may be attached to device peripherals, for example an automatic label cut-off printer attachment…may have read/write capability…could then be queried by a local interrogator, allowing reporting of all devices within signal range for inventory control, repair scheduling, operational status and/or consumables usage reporting…RF tag may be separate or built into the media roll. A chip with die cuts around it on the media roll would be removable and recyclable….Similarly, the RF tag could be located on the printer ribbon roll, ….Read/write capable RFID's on media rolls would be able to record …."

Therefore, it would have been obvious to a skilled artisan to modify the integrated components in the system of HAYWARD et al to include a memory component, RFID tag, on the replaceable printing cartridge for storing data about the cartridge and the printer or computer as taught by CREMON et al for controlling purpose {see pars. 0045-0046 of US 2002/0191998 or cited paragraphs of Provisional Application 60/221,562 and 60/223,941 above}.

Alternatively, the teaching of CREMON et al is indicated above. It would have been obvious to modify the teaching of CREMON et al to include the teachings of HAYWARD et al as cited above for interrogation of the condition of the replaceable component and assisting a specific customer with resolving a problem with a particular printing device using printing device data within the customer database.

The teachings of HAYWARD et al / CREMON et al or vice versa fails to explicitly teach the removal of a replaceable printing component from a printing device.

YOKOMORI et al is cited to teach well known elements/functions for recycling of the process printing ink cartridge wherein the used process cartridges are collected and delivered to the collection center and then transported from the collection centers to a cartridge recycling plant (center) whereby the used cartridges are classified or grouped and then go through the processes of (a) dis-assembling, selecting, cleaning, inspection and re-assembling {see cols. 35-36}.

Therefore, it would have been obvious to (a) recycle the replaceable printing component by removing it from the printing device and test the used replaceable component for a defect, storing the data and associate the customer in HAYWARD et al /CREMON et al for inherently improving recycling product efficiency and customer problems as taught in cols. 1 and 36 of YOKOMORI et al.

5. **As for independent claim 26**, which differs from independent claim 27 in step (a) by “receiving a used replaceable printing component from a customer”, this is inherently included in the teaching of YOKOMORI et al when the cartridge is removable and recyclable.

6. **As for independent claim 16**, which has similar limitation as in independent claim 27 above, it’s rejected for the same reason set forth in the rejection of claim 27 above.

As for dep. claim 17 (part of 16), which deals with well known automatic customer ordering management parameters, i.e. storing customer information for a

customer in the database and associating the customer information with the compiled data, this is taught in HAYWARD et al Figs. 5-6, col. 4, lines 47-67.

As for dep. claims 18-19 (part of 16 above), which deals with well known automatic customer ordering management parameters, i.e. acquiring the customer information from a source and associating the customer information with general data, these are taught in HAYWARD et al Fig. 5, col. 4, lines 5-10, 47-67, col. 5, lines 1-10, col. 9, lines 20-55 or well known facts as indicated in the specification page 1, lines 15-21.

7. **As for independent method claim 1**, which basically has similar limitation as in independent claim 27 above, it's rejected for the same reason set forth in the rejection of claim 27 above.

As for dep. claims 2-3 (part of 1), which deals with well known information/data parameters, i.e. type of information/data such as about the device and its usage, these are non-essential to the claimed invention and are fairly taught in HAYWARD et al Figs. 3, 5-6, col. 2, lines 35-50, col. 4, lines 32-67, col. 8, lines 30-45, col. 9, lines 20-67 or CREMON et al pars. [0044-0045]. Note that the selection of the type of information depends on the desired object/scope/monitoring parameter, etc. and is within the skilled of the artisan..

As for dep. claims 4 (part of 1), which deals with well known information/data parameter, i.e. type of information/data such as previously stored in a database, this is non-essential to the claimed invention and are fairly taught in HAYWARD et al col. 6, lines 35-65, col. 8, lines 35-60, or CREMON et al pars. [0044-0046].

As for dep. claims 5-6 (part of 1), which deals with well known information/data parameter, i.e. features of the information/data previously stored in a database, these are non-essential to the claimed invention and are fairly taught in HAYWARD et al Figs. 6, 8, col. 2, lines 5-16, col. 8, lines 1-25 or CREMON et al pars. [0044-0046]. Note that in claims 5-6, the phrase "is derived from…components or registration card", is not a positively recited method step, but rather is mere intended use of the term "rules', thus having no patentable weight in a method claim. Moreover, the obtaining customer information from registration card is well known and mentioned in the background of the invention, page 1, middle paragraph. Moreover, these are non-functional language limitation, i.e. "is derived", and carry no patentable weight.

As for dep. claim 7 (part of 1), which deals with well known device parameter, i.e. type of printer and component, these are non-essential to the claimed invention and are fairly taught in HAYWARD et al in col. 9, lines 35-42, col. 10, lines 13-18 or YOKOMORI et al col. 1, lines 10-55. The use of any similar types of printer or cartridge would have been obvious as mere using any other similar types.

As for dep. claim 8 (part of 1), this is taught on HAYWARD et al col. 2, lines 40-45 or CREMON et al pars. [0064-0068]. Moreover, this would have been obvious to a skilled artisan as mere applying other well known business parameters or variables since the selection of any well known business rules for compensation of irregular product or service would have been obvious, i.e. free replacement of product or service for malfunction within the 1st year of normally guaranteed performance. Note that no

specific rules is cited, but just a rule so this appears to be non-essential since rules are inherently included in every business dealings.

As for dep. claim 9 (part of 1), which deals with parameters for managing the replaceable component, testing for a defect and finding the defect and associating the defect with a source, this is taught in YOKOMORI et al cols. 1 and 36. Moreover, it would have been obvious to test the used replaceable component for a defect, storing the data and associate the customer for inherently improving recycling product efficiency and customer problems as taught in cols. 1 and 36 of YOKOMORI et al.

8. Claims 16-19, 1-9, 26 and 27 are rejected (2nd time) under 35 U.S.C. 103(a) as obvious over HARDMAN ET AL in view of (CREMON et al and YOKOMORI et al) or vice versa.

As for independent claim 16, HARDMAN ET AL discloses a method comprising:

a) compiling data retrieved from the component memory of a plurality of replaceable components into a customer database;

{see Figs. 1A, 12, 15, 23, 30 and 32, pars. [0253], [0258]

b) accessing the customer database; and

{see Figs. 20, 29, 30, 32, pars. [0258], [0261]], [0262 "…*shows* ***history data****…*"]-[0265]}

c) assisting a specific customer.

{see Figs. 25, 20, especially Fig. 30 "*a user can contact … about* ***questions*** *or* ***problems*** *right from their user screen…*", and Fig. 32, and pars. [0258] and [0261], [0262 "…***shows history data***…"]-[0265]}

See support for this teaching on **Non-Provisional Application 60/220,896**, filed July 26, 2000, Figs. 2, 3, page 3, lines 15-35:

Figs. 1A, 12, 15, 21, pages 15-21, and pages 33-39.

Alternatively, in view of the teachings of [0234] for improving efficiency for servicing, evaluation, early identification of problems to eliminate further damage by using the "Tag System" which monitors and reports problems and events for evaluation, it would have been obvious to use the "Tag System" for assisting a customer to resolve a problem with a particular device using data within the customer database. Alternatively, the use of the same "Tag System" for monitoring other device/system would have been obvious as mere applying the same data monitoring and processing system above to other device to achieve similar results, see similar application teachings on par. [0309].

HARDMAN ET AL fairly teaches the claimed invention except for the type of component and device, a printing component in a printing device.

CREMON et al is cited to teach the use of memory component (or tag or ID tag) integrated with a printer replaceable component such as toner cartridge, ink, ribbon, etc. to store various kinds of information or data (i.e. product information, control data from reading other equipment) about the replaceable component (or related to the printing

device such as the cartridge or ink ribbon or the printer) and to communicate with other devices such as external computer or processor of the printer and receive data from them with respect to system status or performance history of the replaceable component and wherein the RFID tag is removable and recyclable {see pars. [0045-0046, 0061 "*RFID chip …. is removable and recyclable*]}. The reading of other data such as identification and usage information of the printing device would have been obvious as mere reading other similar or desired data in view of the teachings of "product information and control data from reading other equipments as taught above".

Therefore, it would have been obvious, to person having ordinary skill in the art (PHOSITA), at the time the instant invention was made, to utilize such printing component in printing device, as taught by CREMON et al, in the system of HARDMAN ET AL, since it has been held to be within the general skill of a PHOSITA to select a known item on the basis of its suitability for the intended use as a matter of obvious design choice. See *In re Leshin, 125 USPQ 416*.

The teachings of HARDMAN et al / CREMON et al or vice versa fails to explicitly teach the removal of a replaceable printing component from a printing device.

YOKOMORI et al is cited to teach well known elements/functions for recycling of the process printing ink cartridge wherein the used process cartridges are collected and delivered to the collection center and then transported from the collection centers to a cartridge recycling plant (center) whereby the used cartridges are classified or grouped and then go through the processes of (a) dis-assembling, selecting, cleaning, inspection and re-assembling {see cols. 35-36}.

Therefore, it would have been obvious to (a) recycle the replaceable printing component by removing it from the printing device and test the used replaceable component for a defect, storing the data and associate the customer in HARDMAN et al /CREMON et al for inherently improving recycling product efficiency and customer problems as taught in cols. 1 and 36 of YOKOMORI et al.

Alternatively, it would have been obvious, to person having ordinary skill in the art (PHOSITA), at the time the instant invention was made, to modify the teachings of CREMON et al /YOKOMORI et al by including the teachings of HARDMAN ET AL, in the system of CREMON et al /YOKOMORI et al, since it has been held to be within the general skill of a PHOSITA to select a known item on the basis of its suitability for the intended use of "diagnostics" and "On-line Help" and "Maintenance" for similar used replaceable components. See *In re Leshin, 125 USPQ 416*.

As for dep. claim 17 (part of 16 above), which deals with well known step of managing customer information/profile parameter, storing customer information in the database, this is taught in HARDMAN ET AL Figs. 29-33, pars. [0261-[0265] or CREMON et al pars. [0044-0046].

As for dep. claim 18 (part of 16 /17 above), which deals with well known step of managing customer information/profile parameter, acquiring customer information from an item such as registration tool, this is taught in HARDMAN ET AL Figs. 31-33, pars. [0263-0265]. Note that this is mere data processing or communication and the source of the data, such as screen or card, does not carry much patentable weight since they both require the entering of the information into a screen for data processing and this is

taught in HARDMAN ET AL. Alternatively, it would have been obvious to acquire customer information from other well known sources such as card. As for the intended use of the card or screen, for registration, this has no patentable weight and furthermore, it's considered as non-functional descriptive material.

As for dep. claim 19 (part of 16 /17 above), which deals with well known step of managing customer information/profile parameter, associating customer information with general data related to a device used by a customer, his is taught in Figs. 27-33, pars. [0261-0265] and CREMON et al pars. [0044-0046].

As for independent method claims 1, 26 and 27, which have similar limitations to independent method claim 16, they are rejected for the same reason set forth in the rejection of independent method claim 16 above.

As for dep. 2-6 (part of 1 above), which have similar limitations to claims 16-19 above, they are rejected for the same reason set forth in the rejections of claim 16-19 above.

As for dep. claim 7 (part of 1 above), which deals with the type of printed and cartridge, these are taught in YOKOMORI et al col. 1, lines 10-55 or CREMON et al Figs. 1, 7, pars. [0038-0042]. Moreover, the use of any other conventional type of printer or cartridge would have been obvious as mere using other similar (equivalent) well known printer and cartridge types on the same method to achieve similar results.

As for dep. claim 8 (part of 1), this is taught on CREMON et al pars. [0064-0068]. Moreover, this would have been obvious to a skilled artisan as mere applying other well known business parameters or variables since the selection of any well known business

rules for compensation of irregular product or service would have been obvious, i.e. free replacement of product or service for malfunction within the 1st year of normally guaranteed performance. Note that no specific rules is cited, but just a rule so this appears to be non-essential since rules are inherently included in every business dealings.

As for dep. claim 9 (part of 1), which deals with parameters for managing the replaceable component, testing for a defect and finding the defect and associating the defect with a source, this is taught in YOKOMORI et al cols. 1 and 36. Moreover, it would have been obvious to test the used replaceable component for a defect, storing the data and associate the customer for inherently improving recycling product efficiency and customer problems as taught in cols. 1 and 36 of YOKOMORI et al.

(10) Response to Argument

1) Applicant's argument on pages 16-17, that CREMON ET AL. is not a prior art due is not persuasive because it has supports from cited 2 Provisional Applications of 60/221,562, filed on July 28, 2000 and 60/223,941, filed on Aug. 9,2000, as shown above.

2) In response to applicant's arguments on pages 12-14, 18-20, against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re*

Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's argument on pages 12-14, that the teachings of HAYWARD ET AL./CREMON ET AL./YOKOMORI ET AL does not teach the claims limitations as shown in independent claims 27, 26, 16 and 1 are not persuasive because as shown above,

HAYWARD et al fairly teaches the claimed invention except for step (a) and wherein the data is retrieved from the memory component of the integrated components in step (b). In other word, the integrated components include a memory component besides the replaceable component and others wherein the data is retrieved from, and

CREMON et al is cited to teach the use of memory component (or tag or ID tag) integrated with a printer replaceable component such as toner cartridge, ink, ribbon, etc. to store various kinds of information or data (i.e. product information, control data from reading other equipment) about the replaceable component (or related to the printing device such as the cartridge or ink ribbon or the printer) and to communicate with other devices such as external computer or processor of the printer and receive data from them with respect to system status or performance history of the replaceable component and wherein the RFID tag is removable and recyclable, and

YOKOMORI et al is cited to teach well known elements/functions for recycling of the process printing ink cartridge wherein the used process cartridges are collected and delivered to the collection center and then transported from the collection centers to a

cartridge recycling plant (center) whereby the used cartridges are classified or grouped and then go through the processes of (a) dis-assembling, selecting, cleaning, inspection and re-assembling {see cols. 35-36}.

Therefore, it would have been obvious to (a) recycle the replaceable printing component by removing it from the printing device and test the used replaceable component for a defect, storing the data and associate the customer in HARDMAN et al /CREMON et al for inherently improving recycling product efficiency and customer problems as taught in cols. 1 and 36 of YOKOMORI et al.

Alternatively, it would have been obvious, to person having ordinary skill in the art (PHOSITA), at the time the instant invention was made, to modify the teachings of CREMON et al /YOKOMORI et al by including the teachings of HARDMAN ET AL, in the system of CREMON et al /YOKOMORI et al, since it has been held to be within the general skill of a PHOSITA to select a known item on the basis of its suitability for the intended use of “diagnostics” and “On-line Help” and “Maintenance” for similar used replaceable components. See *In re Leshin, 125 USPQ 416*.

3) Applicant’s argument on pages 21-22, that HARDMAN ET AL. is not a prior art due is not persuasive because it has supports from cited Provisional Applications of 60/220,896, filed on July 26, 2000, as shown above.

4) In response to applicant's arguments on pages 22-24 against the references individually, one cannot show nonobviousness by attacking references individually

where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's argument on pages 22-24, that the teachings of HARDMAN ET AL. /CREMON ET AL./YOKOMORI ET AL does not teach the claims limitations as shown in independent claims 1, 16, 26 and 27 are not persuasive because as shown above:

HARDMAN ET AL fairly teaches the claimed invention except for the type of component and device, a printing component in a printing device, and

CREMON et al is cited to teach the use of memory component (or tag or ID tag) integrated with a printer replaceable component such as toner cartridge, ink, ribbon, etc. to store various kinds of information or data (i.e. product information, control data from reading other equipment) about the replaceable component (or related to the printing device such as the cartridge or ink ribbon or the printer) and to communicate with other devices such as external computer or processor of the printer and receive data from them with respect to system status or performance history of the replaceable component and wherein the RFID tag is removable and recyclable {see pars. [0045-0046, 0061 "*RFID chip …. is removable and recyclable*]}. The reading of other data such as identification and usage information of the printing device would have been obvious as mere reading other similar or desired data in view of the teachings of "product information and control data from reading other equipments as taught above".

Therefore, it would have been obvious, to person having ordinary skill in the art (PHOSITA), at the time the instant invention was made, to utilize such printing

component in printing device, as taught by CREMON et al, in the system of HARDMAN ET AL, since it has been held to be within the general skill of a PHOSITA to select a known item on the basis of its suitability for the intended use as a matter of obvious design choice. See *In re Leshin, 125 USPQ 416*.

The teachings of HARDMAN et al / CREMON et al or vice versa fails to explicitly teach the removal of a replaceable printing component from a printing device.

YOKOMORI et al is cited to teach well known elements/functions for recycling of the process printing ink cartridge wherein the used process cartridges are collected and delivered to the collection center and then transported from the collection centers to a cartridge recycling plant (center) whereby the used cartridges are classified or grouped and then go through the processes of (a) dis-assembling, selecting, cleaning, inspection and re-assembling {see cols. 35-36}.

Therefore, it would have been obvious to (a) recycle the replaceable printing component by removing it from the printing device and test the used replaceable component for a defect, storing the data and associate the customer in HARDMAN et al /CREMON et al for inherently improving recycling product efficiency and customer problems as taught in cols. 1 and 36 of YOKOMORI et al.

In response to applicant's argument that HAYWARD ET AL. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the

claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, HARDMAN ET AL. in view of the teachings of [0234] for improving efficiency for servicing, evaluation, early identification of problems to eliminate further damage by using the "Tag System" which monitors and reports problems and events for evaluation, it would have been obvious to use the "Tag System" for assisting a customer to resolve a problem with a particular device using data within the customer database. Alternatively, the use of the same "Tag System" for monitoring other device/system would have been obvious as mere applying the same data monitoring and processing system above to other device to achieve similar results, see similar application teachings on par. [0309].

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Tan Dean D. Nguyen/

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